REMARKS

Claims 1-16 are presently pending in this application and have been subject to restriction. The Examiner alleges that the claims are drawn to 256 patentable distinct inventions.

Applicants respectfully traverse this restriction based on a number of reasons. First, it should be noted that during the international phase of this application unity of invention was indeed found. Second, as set forth in MPEP 1850 (13.4) " ...it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention." Thus, in the present instance, for example, the addition of the steroid domain does not have to be considered as distinct of the same construct without said domain.

The Examiner further alleges that a chimeric DNA construct comprising at least one repressor sequence in transcriptional fusion with at least one plant specific sequence that codes for a protein or fragment thereof that binds to DNA or activates transcription by binding to DNA itself or by interacting with a DNA protein is obvious or anticipated over WO 96/01313.

Applicants respectfully maintain that the presently pending claims are neither anticipated or rendered obvious over WO 96/01313. The invention, as described and claimed, uses constructs comprising a repressor sequence and a transcription factor (or a plant-originating sequence that codes for a protein or fragment thereof that binds to DNA or that activates transcription either by binding to DNA itself or by interacting with a DNA-binding protein), in order to transform plants and identify the genes the expression of which is naturally controlled by said transcription factor or plant-originating sequence. In particular, the contribution over the prior art is the ability to inhibit the expression of genes, without knowing them a priori, or knowing that their expression is controlled by the transcription factor or plant-specific sequence that is fused to the repressor.

In contrast, WO 96/01313 describes a construct comprising a first polypeptide which binds to test operator sequences in the presence of tetracycline [...] and a second polypeptide which directly or indirectly activates transcription in eukaryotic cells (page 2, lines 30-32).

Furthermore, (page 41, lines 35-37), the inhibitor constructs depicted in WO 96/01313 make it possible to down-regulate basal, constitutive or tissue-specific transcription of a tetO-linked gene of interest (emphasis added). Applicants maintain that the constructs described in WO 96/01313 do not make it possible to inhibit expression of unknown genes controlled by a transcription factor (and to identify them), but only of specifically engineered genes which are linked to tetO.

Finally, although plants are mentioned in the specification of WO 96/01313 there is no description nor suggestion of constructs containing a repressor and a plant-originating sequence that codes for a protein or fragment thereof that binds to DNA or that binds to DNA or that activates transcription either by binding to DNA itself or by interacting with a DNA-binding protein, and of the methods of use of said constructs according to the present invention.

In conclusion, WO 96/01313 simply does not describe nor suggests the methods or uses according to the invention, the goal followed by this document and the present invention being different.

The requirement for restriction is respectfully traversed. However, in order to be fully

responsive to the requirement for restriction, Applicants elect, with traverse, the claimed methods of Group I. Withdrawal of the requirement for restriction and favorable consideration and allowance is earnestly solicited.

Respectfully submitted,

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